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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,937	10/12/2006	Joon-Young Ahn	3329-114	1149

6449 7590 07/08/2009  
ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
1425 K STREET, N.W.  
SUITE 800  
WASHINGTON, DC 20005

EXAMINER
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RUSH, KAREEN KAY

ART UNIT	PAPER NUMBER
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3781

NOTIFICATION DATE	DELIVERY MODE
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07/08/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/584,937	<b>Applicant(s)</b> AHN, JOON-YOUNG	
	<b>Examiner</b> KAREEN RUSH	<b>Art Unit</b> 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/05/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/5/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: Claim 1 states a “base panel to be put into a vacuum bag” (line 2). It is not understood from the language “to be put” whether the vacuum bag is being claimed in addition to the container. Appropriate correction is required.

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “juice storage trough” (claim 3 and 6, line 2) must be shown in the elected embodiment (Fig. 8-10) or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New

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Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Flink (6039205).

a. Regarding claim 1, Flink teaches a container (Fig. 6) for a vacuum packing, comprising of a base panel (in the below annotated Fig. 6) to be put into a vacuum bag (the container can be put into a vacuum bag), with an item to be packed being laid on the base panel (items are intended to be laid on the base) and a front panel (in the below annotated Fig. 6) provided at a front position of the base panel with an air hole (Fig. 6 at 25) formed on the front panel.

b. Regarding claim 2, Flink teaches an embossment (Fig. 6 at 24) is provided on the base panel to define an air discharge path.

c. Regarding claim 5, Flink teaches a first guide panel (in the below annotated Fig. 6) extends outward from a position above the air hole to a predetermined position, and a second guide panel (in the below annotated Fig. 6) extends outward from a position under the air hole to a predetermined position.

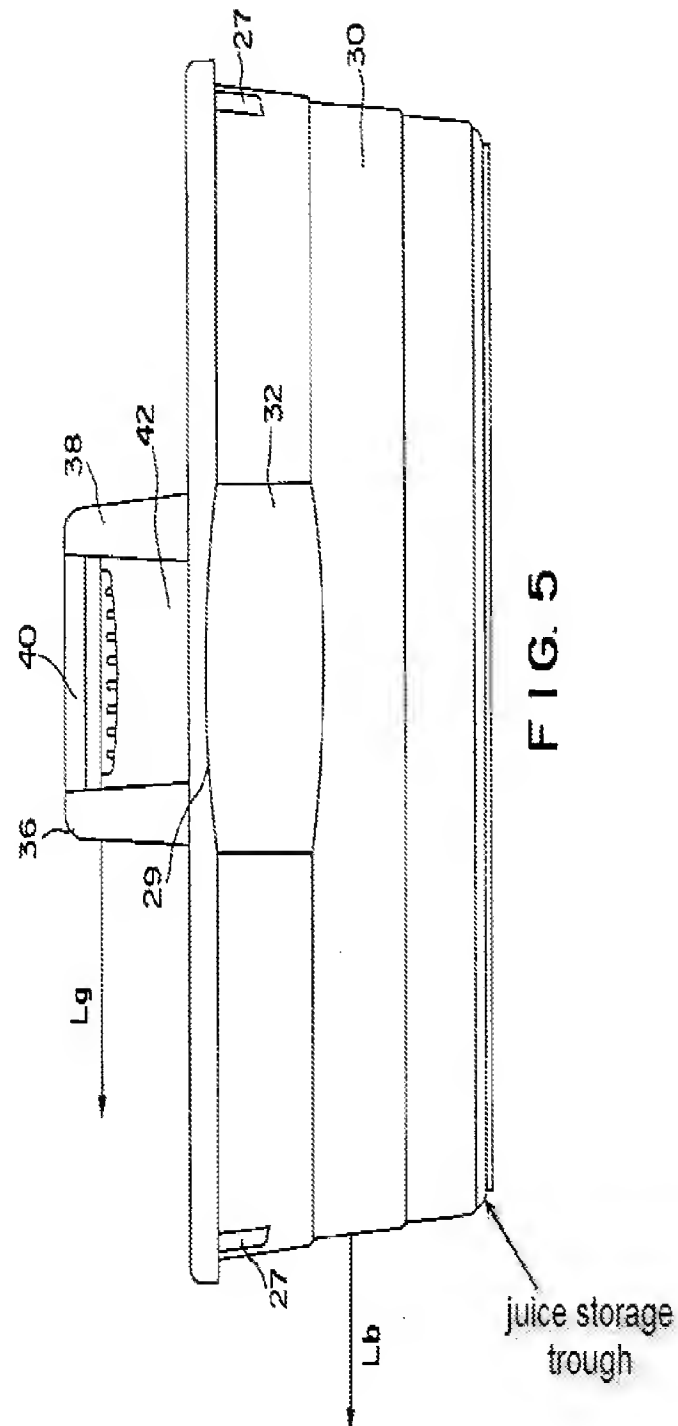
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- d. Regarding claim 6, Flint teaches a juice storage trough is provided at a position around the base panel (in the below annotated Fig. 6 and 5; the base of Fig. 5 is the base used in Fig. 6)
  - e. Regarding claim 8, Flink teaches a first guide panel (in the below annotated Fig. 6) extends outward from a position above the air hole to a predetermined position, and a second guide panel (in the below annotated Fig. 6) extends outward from a position under the air hole to a predetermined position.
3. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Garwood (5155974).
- f. Regarding claim 1, Garwood teaches a container (Fig. 8) for a vacuum packing, comprising of a base panel (Fig. 8 at 59) to be put into a vacuum bag (the container can be put into a vacuum bag), with an item to be packed being laid on the base panel (food products are to be laid on the base) and a front panel (Fig. 8 at 9) provided at a front position of the base panel with an air hole (Fig. 9 at 67) formed on the front panel.
  - g. Regarding claim 3, Garwood teaches a juice storage trough (in the below annotated Fig. 8) is provided at a position around the base panel.
4. Claims 1, 2, 4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Meehan (5192019).
- h. Regarding claim 1, Meehan teaches a container (Fig. 1) for a vacuum packing, comprising of a base panel (Fig. 1 at 13 and 14) to be put into a vacuum bag (the container can be put into a vacuum bag), with an item to be packed

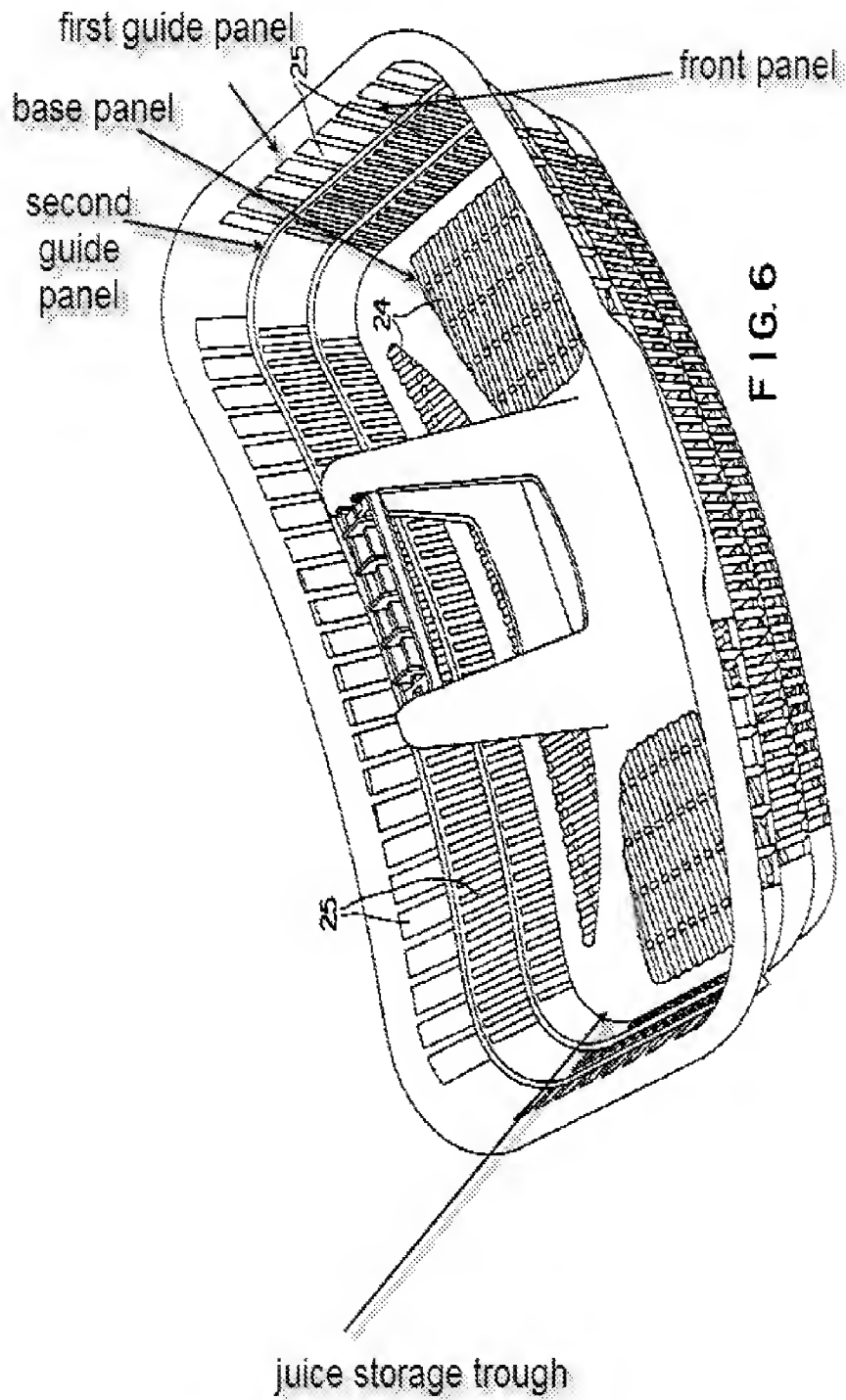
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being laid on the base panel (items are to be laid on the base) and a front panel (Fig. 1 at 18) provided at a front position of the base panel with an air hole (Fig. 1 at 27) formed on the front panel.

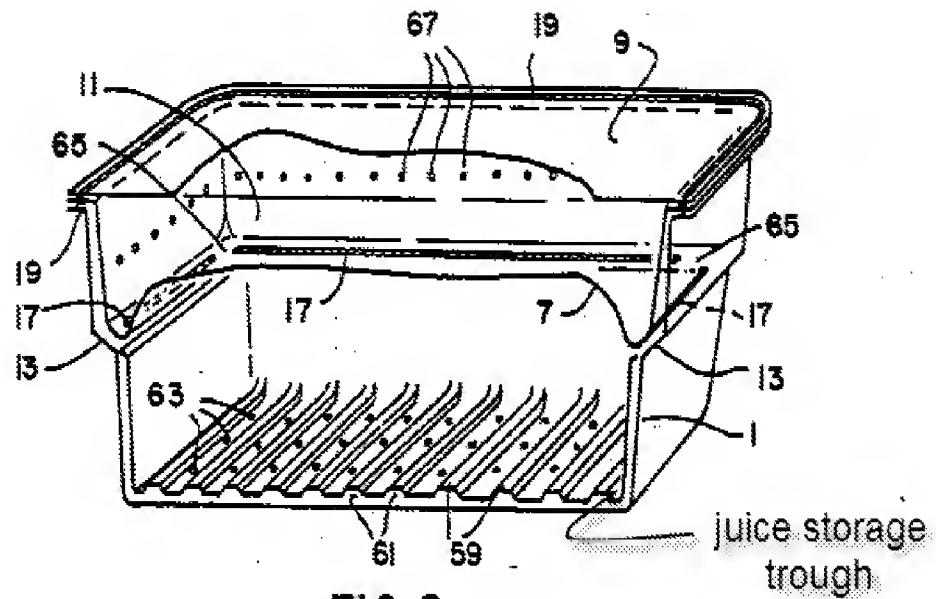
- i. Regarding claim 2, Meehan teaches an embossment (in the below annotated Fig. 1) is provided on the base panel to define an air discharge path.
- j. Regarding claim 4, Meehan teaches the base panel is adjustable in length (as can be seen in Fig. 5 with the removal of member 50).
- k. Regarding claim 7, Meehan teaches the base panel is adjustable in length (as can be seen in Fig. 5 with the removal of member 50).



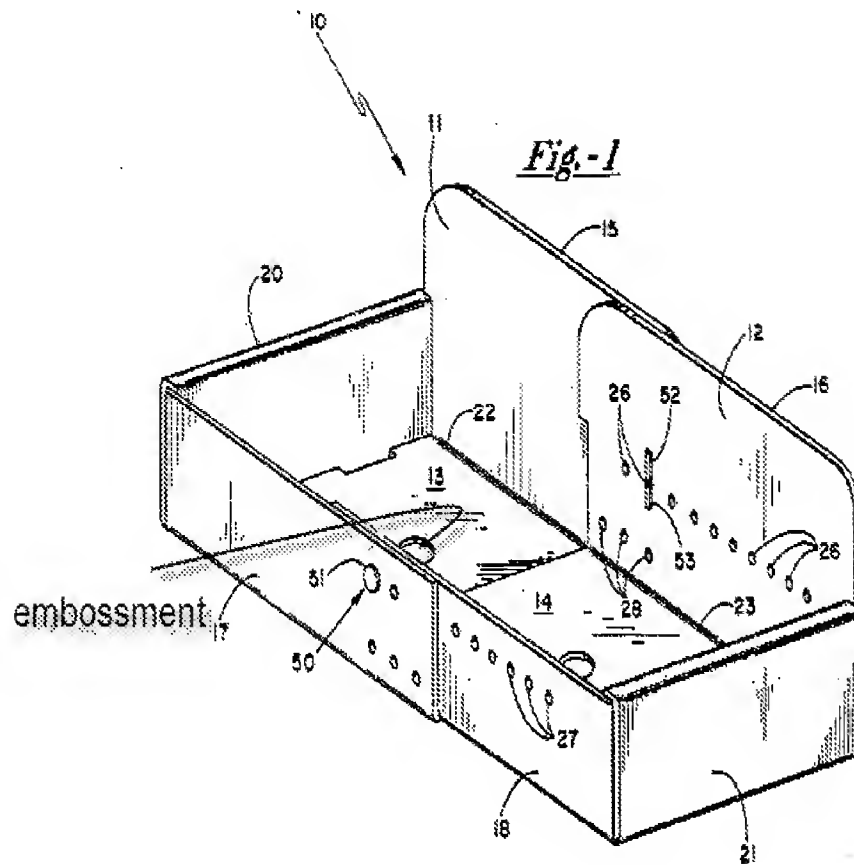
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**FIG. 8**



***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Porret reference discloses a bag. The Weller reference discloses a container having panels. The Ueda reference discloses a base panel having embossments. The Gledhill reference discloses an adjustable base. The White reference discloses a base panel having embossments. The Hatch reference discloses a front panel having an air hole. The Grigsby reference discloses front panels having air holes. The Paine reference discloses panels having embossments. The Drader reference discloses panels having embossments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREEN RUSH whose telephone number is (571)270-5611. The examiner can normally be reached on Monday-Friday (8:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony D. Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony D Stashick/  
Supervisory Patent Examiner, Art  
Unit 3781

K.R.  
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